BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting March 3, 2009

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:05 P. M., Tuesday, March 3, 2009, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: M. S. "Joe" Brito Harry E. Crisp II, Vice Chairman; Mark Dudenhefer; Paul L. Milde III; George H. Schwartz, Chairman; Cord A. Sterling and Robert "Bob" Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

<u>Legislative</u>; <u>Report of the Superintendent of Schools.</u> Dr. David E. Sawyer, Division Superintendent of Schools, gave a presentation on current issues and responded to Board members questions.

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as identified:

James Lawrence - Rappahannock Regional Solid Waste Management Board

meetings.

Dean Fetterolf - School funding.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members</u>. Board members spoke on topics as identified:

Mr. Crisp - Attended Virginia Association of Counties Chairpersons
Institute.

- Cluster development in rural areas.

Presented Eagle Scout Award to Robert Walker.

- Accompanied Chairman and staff on annual legislative trip to Capitol Hill.

Mr. Dudenhefer - Attended 100th year Anniversary of NAACP.

- Attended lots of meetings.

Mr. Milde - Attended Potomac Watershed Roundtable Meeting.

Lack of school bus service on Raven Road.

- Attended Commonwealth Transportation Board Meeting in January.

- Attended Rappahannock Regional Jail Board meeting.

 Participated in Crows Nest conference call and meetings.

- Virginia Railway Express.

Attended Wayfinding Meeting.

- Land Conservation funding.

- Attended 100th year Anniversary of NAACP.

- Attended Martin Luther King celebration.

Government Island.

 Attended George Washington Regional Commission meeting.

- Town Hall Meeting.

- Civil War Sites at Landfill.
- Attended Chaplain Group Home Meeting.
- Attended Potomac and Rappahannock
 Transportation Commission Meeting.
- Attended Rappahannock Regional Solid Waste
 Management Board Meeting.
- Attended Courthouse Redevelopment meeting.
- Marine Corps meeting.
- Hills of Aquia.
- Attended Stafford Hospital Grand Opening.
- Attended NAACP 100th year Anniversary.
- Attended Woodstream Homeowners Association meeting.

SterlingAttended South Lake Arrowhead meeting with Sheriff Jett on crime.

- Attended stimulus committee meeting.
- Committee meeting on the Boards, Authorities,
 Commissions and Committees.
- Airport tax.
- Attended Quantico Growth Management meeting on upgrade to Onville Road.

Mr. Woodson - Attended BRAC Conference in San Antonio, Texas.

- Attended George Washington Regional Commission Meeting.
- Attended Open House at Stafford Hospital Center.
- Attended Board of Social Services Meeting.
- Attended NAACP 100th year Anniversary.

Mr. Brito - Attended 18 meetings and events.

- Attended informational meeting on Rocky Pen Reservoir.
- Requested a discussion item be added to the March
 17th agenda on Rocky Run Road.
- Attended Victory Garden Committee Meeting.
- Attended NAACP 100th year Anniversary.
- Mr. Schwartz Attended Potomac and Rappahannock
 Transportation Commission and Virginia Railway
 Express Meetings.
 - Attended Open House at Stafford Hospital Center.
 - Accompanied staff to Legislative Day on Capitol Hill.
 - Attended NAACP 100th year Anniversary.
 - Gayle Middle School.

<u>Legislative</u>; <u>Report of the County Attorney</u>. Mr. Joe Howard, County Attorney, commented on the following:

- Revised Closed Meeting; Aquia Overlook LLC.

<u>Legislative</u>; <u>Report of the County Administrator</u>. Mr. Anthony Romanello, County Administrator, commented on the following:

- Additions to the agenda: (1) Item 13a. Proposed Resolution R09-146 Extend the Planning Commission Additional time for their Consideration of the Electronic Sign Ordinance; (2) Item 22. Discuss Letter dated 02/25/09 from the Chairman of the Planning Commission regarding Rappahannock River Overlay District and (3) Item 23. Discuss Granting Use of an Unimproved Public Right-of-Way Known as Grapevine Lane to Construct a Driveway to an Abutting Recorded Easement.
- Handout: Item 18c. Modified last paragraph of Proposed Resolution R09-142.

<u>Legislative</u>; <u>Presentation of FY2010 Proposed Budgets.</u> Mr. Anthony Romanello, County Administrator, gave a presentation and responded to Board members questions.

Legislative; Regular Agenda and Closed Meeting Additions. Mr. Milde motioned, seconded by Mr. Sterling, to add the following items to the Regular Agenda: (1) Item 13a. Proposed Resolution R09-146 – Extend the Planning Commission Additional time for their Consideration of the Electronic Sign Ordinance; (2) Item 22. Discuss Letter dated 02/25/09 from the Chairman of the Planning Commission regarding Rappahannock River Overlay District and (3) Item 23. Discuss Granting Use of an Unimproved Public Right-of-Way Known as Grapevine Lane to Construct a Driveway to an Abutting Recorded Easement; Item 24. Discussion on Pay for Performance, requested by Mr. Sterling; and a revised Closed Meeting.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

<u>Legislative</u>; <u>Consent Agenda</u>. Mr. Milde motioned, seconded by Mr. Sterling, to adopt the Consent Agenda consisting of Items 3 thru 13a removing items 4 and 10.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

<u>Item 3. Legislative; Approve Minutes of Board Meeting.</u> Regular Meeting of January 22, 2009.

Item 5. Public Information; Approve a Proclamation to Recognize and Commend Dr. Judy G. Hample as President of the University of Mary Washington.

Proclamation P09-03 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND
DR. JUDY G. HAMPLE AS PRESIDENT OF THE UNIVERSITY
OF MARY WASHINGTON

WHEREAS, Dr. Judy G. Hample earned the honor to serve as the eighth President, and first female leader of the University of Mary Washington on July 1, 2008, and will be officially installed in the office on April 3, 2009; and

WHEREAS, the University's College of Graduate and Professional Studies, located in Stafford County, is an integral component of its mission to support lifelong learning, professional advancement and regional economic development; and

WHEREAS, the University provides accessible, quality education tailored to the requirements of adult students, professionals and members of the business community; and

WHEREAS, the Board urges citizens to honor April 3, 2009 as the University of Mary Washington's Inauguration Day in honor of President Judy G. Hample;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that Dr. Hample be and she hereby is congratulated upon her installation as President of the University of Mary Washington and, to wish her well as she meets the challenges of administering a vibrant and growing university.

Item 6. Transportation; Authorize a Public Hearing to Amend the County Code Entitled "Maximum Speed Limits in Certain Residence Districts; Penalty".

Resolution R09-61 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN
STAFFORD COUNTY CODE, SECTION 15-4.1(c) ENTITLED "MAXIMUM SPEED LIMITS IN CERTAIN RESIDENCE DISTRICTS; PENALTY"

WHEREAS, the Board is interested in promoting public health, safety, and welfare, including the prevention of accidents and injuries caused by speeding vehicles in certain residence districts; and

WHEREAS, Section 46.2-878.2 of the Code of Virginia (1950), as amended, authorizes a severe penalty for persons exceeding the maximum speed limit in certain residence districts; and

WHEREAS, the Board adopted Ordinance 097-29(R), which established criteria for the establishment of residence districts where a maximum speed limit fine could be levied; and

WHEREAS, the County conducted a traffic study and Magnolia Drive meets the established criteria to establish a residence district; and

WHEREAS, the County has received a petition to establish a Residence District within the Magnolia Woods Subdivision;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March 2009, that the County Administrator be and he hereby is authorized to advertise a public hearing for April 7, 2009, to consider designating Magnolia Drive (SR-1880) between Spyglass Lane (SR-1878) and Joshua Road (SR-643) as a residence district.

Item 7. Legislative; Establish the Stafford County Advisory Board on Towing of Trespassing Vehicles and Appoint Members Thereof.

Resolution R09-111 reads as follows:

A RESOLUTION TO ESTABLISH THE STAFFORD COUNTY ADVISORY BOARD ON TOWING OF TRESPASSING VEHICLES

WHEREAS, the Sheriff and Board have expressed an interest in regulating the removal of trespassing vehicles from property by, or at the direction of, the owner, operator, lessee, or authorized agent in charge of the property; and

WHEREAS, pursuant to Sections 46.2-1232 and 46.2-1233 of the Code of Virginia (1950), as amended, the Board may regulate said services by ordinance; and

WHEREAS, Section 46.2-1233.2 of the Code of Virginia (1950), as amended, requires that an advisory board be appointed to advise the Board with regard to the appropriate provisions of the ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that the Stafford County Advisory Board on Towing of Trespassing Vehicles be and it hereby is established as follows:

STAFFORD COUNTY ADVISORY BOARD ON PRIVATE TOWING

I. Creation, Composition

There is hereby created an Advisory Board on Towing of Trespassing Vehicles (Advisory Board). The Advisory Board shall be composed of nine voting members to be appointed by the Board of Supervisors, who shall serve a one-year term. The Advisory Board shall include four law enforcement officers, four towing and recovery operators, and one citizen. In addition, the County Attorney or his designee and one additional citizen shall each serve as a non-voting member of the Advisory Board. The Board of Supervisors shall annually designate which citizen is the voting member and which citizen is the non-voting member. In the event that the citizen who is designated as the voting member is unable to vote, the non-voting member may vote in their place, but in no event shall both citizen members participate in the same vote.

II. Purpose

The Advisory Board shall advise and assist the Board of Supervisors with regard to the appropriate provisions of the ordinance. The ordinance may require that towing and recovery operators:

- (1) Obtain and retain photographs or other documentary evidence substantiating the reason for the removal:
- (2) Post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating:
 - (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services; and
 - (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints;

- (3) Obtain, at the time the vehicle is towed, the written authorization of the owner of the property from which the vehicle is towed, or his agent, and such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent; and
- (4) Set reasonable limits on fees charged for the removal of motor vehicles, trailers, and parts thereof left on private property, and the removal of trespassing vehicles, taking into consideration the fair markets value of such removal.

III. Compensation

All members of the Advisory Board shall serve on a volunteer basis and no reimbursement will be paid by the County for expenses incurred as a member of the Advisory Board.

IV. Officers

The Advisory Board shall elect, from its voting members, a Chairman and Vice Chairman. The Advisory Board shall also elect a Secretary, who is not required to be a voting member. The Chairman shall preside over meetings of the Advisory Board and have the right to vote on any matter before the Advisory Board. In the absence or disability of the Chairman, the Vice Chairman shall perform the duties of the Chairman. After appointment of its members, the Advisory Board shall meet and undertake fulfillment of its responsibilities. The Advisory Board shall meet at least once per year at the call of the Chairman of the Advisory Board.

V. Administration

The County Administrator, County Attorney, and Sheriff shall provide such support as is necessary to enable the Advisory Board to fulfill its responsibilities.

Resolution R09-133 reads as follows:

A RESOLUTION TO APPOINT THE MEMBERS OF THE STAFFORD

COUNTY ADVISORY BOARD ON TOWING OF TRESPASSING

VEHICLES

WHEREAS, the Sheriff and Board have expressed an interest in regulating the

removal of trespassing vehicles from property by or at the direction of the owner,

operator, lessee, or authorized agent in charge of the property; and

WHEREAS, pursuant to Sections 46.2-1232 and 46.2-1233 of the Code of

Virginia (1950), as amended, the Board may regulate said services by ordinance; and

WHEREAS, the Code of Virginia requires that an advisory board be appointed to

advise the Board with regard to the appropriate provisions of the ordinance; and

WHEREAS, pursuant to Resolution R09-111, the Board has established the

Advisory Board on Towing of Trespassing Vehicles; and

WHEREAS, the Advisory Board on Towing is composed of an equal number of

representatives of local law-enforcement officers and representatives of licensed towing

and recovery operators, and one member of the general public; and

WHEREAS, the term of appointment is one year;

NOW THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 3rd day of March, 2009 that

<u>NAME</u>

EXPIRATION

Joe Patrick

December 31, 2009

(Towing & Recovery Operator Zone 1)

Kevin Beach December 31, 2009

(Towing & Recovery Operator Zone 2)

Roy Boswell December 31, 2009

(Towing & Recovery Operator Zone 3)

Ray Hodge December 31, 2009

(Heavy Duty Towing & Recovery Operator)

Charles E. Jett December 31, 2009

(Sheriff)

Brian Jacobs, 1st Sgt. December 31, 2009

(Law Enforcement Officer)

Patrick Kelley-Lieutenant December 31, 2009

(Law Enforcement Officer)

W. Payne Marks December 31, 2009

(Virginia State Police or Designee)

Gerald Crosby December 31, 2009

(Citizen)

George Paxson December 31, 2009

(Alternate Citizen)

be and they hereby are appointed to the Advisory Board on Towing of Trespassing Vehicle.

<u>Item 8. Utilities; Rescind Emergency Water Agreement with City of Fredericksburg.</u>

Resolution R09-122 reads as follows:

A RESOLUTION TO AUTHORIZE RESCINDING THE EMERGENCY

WATER AGREEMENT AND SUBSEQUENT AMENDMENT WITH

THE CITY OF FREDERICKSBURG

WHEREAS, the County of Stafford and the City of Fredericksburg entered into

an Emergency Water Agreement dated November 13, 1985 and subsequently amended

dated January 30, 1992; and

WHEREAS, the County of Stafford, the City of Fredericksburg and the County of

Spotsylvania recently entered into a Regional Public Water and Sewer Mutual Aid and

Assistance Agreement which became effective on December 9, 2008;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 3rd day of March, 2009, that the 1985 Emergency Water

Agreement and subsequent 1992 amendment between Stafford County and the City of

Fredericksburg are hereby rescinded having been replaced by the Regional Public Water

and Sewer Mutual Aid and Assistance Agreement between Stafford County, the City of

Fredericksburg and Spotsylvania County.

Item 9. Administration Reserve Easements on County-owned Property.

Resolution R09-124 reads as follows:

A RESOLUTION TO RESERVE EASEMENTS ON COUNTY-OWNED

PROPERTY AT THE BEREA FIRE STATION SITE

WHEREAS, the County must reserve storm drainage, waterline and sanitary sewer easements on its property; and

WHEREAS, these easement are necessary for plat dedication; and

WHEREAS, the Board desires to reserve these easements on County-owned property Tax Map 44V-B (Berea Fire Station site);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that the County Administrator be and he hereby is authorized to reserve easements on County-owned property located at Tax Map 44 V-B, for the purpose of storm drainage, waterline and sanitary sewer.

<u>Item 11. Public Services; Authorize the County Administrator to Execute a Contract with Columbia Gas of Virginia.</u>

Resolution R09-131 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH COLUMBIA GAS OF VIRGINIA

WHEREAS, the Department of Public Services, Property Management Division, is eligible for a government account fixed-rate agreement with Columbia Gas of Virginia; and

WHEREAS, pricing is set at the current market rate and locked in for a one- or three-year period; and

WHEREAS, the market has fallen and the County is now paying above-market prices and Columbia Gas of Virginia has offered to reduce its rate to the current market price within a one-year extension of the contract;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March 2009, that the County Administrator be and he hereby is authorized to execute a new contract with Columbia Gas of Virginia at a lower market price for one year.

Item 12. Transportation; Request Reimbursement from the Potomac and Rappahannock Transportation Commission for Transportation Expenditures for the Second Quarter of Fiscal Year 2009.

Resolution R09-121 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR TRANSPORTATION EXPENDITURES FOR THE SECOND QUARTER OF FISCAL YEAR 2009

WHEREAS, the County budgeted funds in the FY2009 Transportation Fund for various programs, including transportation modeling, the redevelopment master plan, a transportation impact fee analysis, transportation services, road improvements, street repairs, administrative services, and street signs; and

WHEREAS, the County expended the following amounts for transportation projects and services during FY2009 October through December 31, 2008; and

<u>Item</u>	Amount
Professional Services – Transportation Modeling	\$ 11,163
Professional Services – Legal Services	8,222
Professional Services – Transportation Impact Fee Analysis	82,200
Transportation Services – FREDericksburg Regional Transit	119,414
Street Sign Program	8,005

Total Reimbursement Request	\$ 307,490
Public Street Repair	\$ 36,354
Road Improvements	13,560
Stafford Regional Airport Commission	28,572

WHEREAS, these funds can be reimbursed from the County's 2% Motor Fuels Tax funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March 2009, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Three Hundred Seven Thousand Four Hundred Ninety Dollars (\$307,490) from the Motor Fuels Tax funds.

<u>Item 13. Legislative; Appoint Members to Boards, Authorities, Commissions and</u> Committees.

Resolution R09-134 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE BOARD OF BUILDING CODE APPEALS

WHEREAS, Section 36-105 of the Code of Virginia (1950), as amended, provides for the establishment of a local Board of Building Code Appeals whose composition, duties and responsibilities are prescribed in the Virginia Uniform Statewide Building Code (USBC); and

WHEREAS, the local Board of Building Code Appeals shall consist of five members with the following qualifications: one member an experienced builder; one member a licensed professional engineer or architect; one member an experienced property manager; and two others who are able to render a fair and competent decision regarding the application of the Building Code; and

WHEREAS, upon recommendation of staff, the Board desires to appoint two alternate members to prevent untimely delays in hearing appeals due to the unavailability of any members; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	EXPIRATION
Charles Moore (Member-At-Large)	December 31, 2009
A. C. Glover (Member-At-Large)	December 31, 2009
Frank Jett, Jr. (Member-At-Large)	December 31, 2009
Russell Hall (Builder)	December 31, 2009
Joe Alexander (Architect/Engineer)	December 31, 2009

WHEREAS, the term of appointment is one year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March 2009, that

<u>NAME</u> <u>EXPIRATION</u>

Jerry Hall December 31, 2009

(Alternate Member-At-Large)

Burton Bigoney December 31, 2009

(Alternate Member-At-Large)

be and they hereby are appointed as alternate members-at-large of the Board of Building Code Appeals.

Resolution R09-123 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE PARKS AND RECREATION COMMISSION

WHEREAS, Section 15.2-1806 of the Code of Virginia (1950), as amended, authorizes the Board to appoint members to serve on the Parks and Recreation Commission; and

WHEREAS, membership consists of ten members, one member from each election district in the County, one member as a representative from the School Board, one member from the Board of Supervisors and one member from the Planning Commission; and

WHEREAS, at a meeting on February 21, 2006, the Board adopted the amended Parks and Recreation Bylaws to reflect that members' terms shall run concurrently with respective Board of Supervisors' terms; and

WHEREAS, the Board has appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
John Druiett (Hartwood District)	December 31, 2009
Thomas Paton (Garrisonville District)	December 31, 2009
William Hoyt (Aquia District)	December 31, 2009
Joe Brito	December 31, 2009
(Board of Supervisors) John C. LeDoux	December 31, 2009
(School Board Representative)	D 1 21 2000
Randy Walther (Falmouth District)	December 31, 2009
Kenneth Mitchell (Planning Commission)	December 31, 2009
Ingolf Rupp (Griffis-Widewater District)	December 31, 2011
Bobby Crisp	December 31, 2011
(George Washington District) Brad Eads	December 31, 2011
(Rock Hill District)	

WHEREAS, Ingolf Rupp has submitted his resignation; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that

<u>NAME</u> <u>EXPIRATION</u>

Sandra Myers December 31, 2011

(Griffis-Widewater District)

be and she hereby is appointed as a member of the Parks and Recreation Commission.

Resolution R09-128 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM COMMITTEE

WHEREAS, the Board established the Agricultural Commission in December, 2000, to establish a comprehensive approach to the preservation of agricultural and rural lands; and

WHEREAS, the Board requested the Agricultural Commission to develop a Purchase of Development Rights (PDR) Program; and

WHEREAS, the Board adopted Ordinance O07-02 to establish a PDR program; and

WHEREAS, the Board desires to appoint members to implement and oversee the program;

WHEREAS, the Board has previously appointed the following:

<u>NAME</u> <u>EXPIRATION</u>

Mike Neuhard Pleasure of the Board

Program Administrator

(Deputy County Administrator)

Steve Apicella Pleasure of the Board

(Aquia District)

Patricia Kurpiel Pleasure of the Board

(Falmouth District)

Thomas Coen Pleasure of the Board

(Garrisonville District)

Edward G. Silver Pleasure of the Board

(George Washington District)

Martin McClevey Pleasure of the Board

(Griffis-Widewater District)

Vacant Pleasure of the Board

(Hartwood District)

Gail Clark Pleasure of the Board

(Rock Hill District)

WHEREAS, a vacancy exists in the Hartwood District; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that

Rod Ritterbusch

Pleasure of the Board

(Hartwood District)

be and he hereby is appointed to the Purchase of Development Rights Program Committee.

Resolution R09-146 reads as follows:

A RESOLUTION TO EXTEND THE PLANNING COMMISSION
ADDITIONAL TIME FOR THEIR CONSIDERATION OF THE
ELECTRONIC AND SUBDIVISION SIGN ORDINANCE

WHEREAS, the Planning Commission initiated proposed Ordinances O08-69 and O08-79 regarding electronic and subdivision signs throughout the County; and

WHEREAS, at a meeting on December 2, 2008 the Board referred these proposed ordinances back to the Planning Commission to make necessary changes; and

WHEREAS, in accordance with Section 28-334 of the zoning ordinance, the Planning Commission has ninety days to review and make recommendations to ordinances referred to it by the Board; and

WHEREAS, the Planning Commission has requested additional time for consideration;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March 2009 that the Board be and it hereby does grant the Planning Commission an additional 120 days.

<u>Planning</u>; Refer to the Wetlands Board an Ordinance to Amend and Reordain the County Code by Adding Chapter 27A, Coastal Primary Sand Dunes. Mr. Milde commented.

Mr. Jeff Harvey, Director of Planning and Zoning, commented further.

Mr. Milde motioned, seconded by Mr. Crisp, to adopt proposed Resolution R09-117.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Resolution R09-117 reads as follows:

A RESOLUTION TO REFER TO THE WETLANDS BOARD AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY CODE BY ADDING CHAPTER 27A, COASTAL PRIMARY SAND DUNES

WHEREAS, the Board is authorized under Section 28.2-1403 of the Code of Virginia (1950), as amended, to adopt the coastal primary sand dune zoning ordinance; and

WHEREAS, the Comprehensive Plan includes goals for preservation and enhancement of the County's natural resources, including shorelines; and

WHEREAS, the Board acknowledges the need to protect the County's shoreline;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009 that the Board be and it hereby does refer to the Wetlands Board an ordinance to amend and reordain the Stafford County Code by

adding Chapter 27A, Coastal Primary Sand Dunes.

Sheriff; Authorize the County Administrator to Extend and/or Renew Existing Contract

with RCC Consultants, Inc. Mr. Sterling commented.

Ms. Carol Adams, Communications Manager, responded to Board members questions.

Mr. Sterling motioned, seconded by Mr. Brito, to defer proposed Resolution R09-112

until the next Board meeting.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (1) Schwartz

<u>Planning and Zoning</u>; <u>Appeal the Director of Planning and Zoning Decision Regarding</u>
<u>Changes to the Hills of Aquia Section 2A Plat.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Woodson motioned, seconded by Mr. Crisp, to adopt proposed Resolution R09-80.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-82 to overrule the decision.

Discussion further ensued.

Mr. Dudenhefer made a second substitute motion, seconded by Mr. Crisp, to adopt proposed Resolution R09-80 and hold both public hearings at the same time.

Discussion ensued..

Mr. Crisp motioned, seconded by Mr. Brito, to Call the Question.

The Voting Board tally was:

Yea: (6) Dudenhefer, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (1) Milde

The Voting Board tally on the second substitute motion was:

Yea: (6) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (1) Milde

Resolution R09-80 reads as follows:

A RESOLUTION TO AFFIRM A DECISION BY THE DIRECTOR OF PLANNING AND ZONING REGARDING THE APPROPRIATE PROCESS TO MAKE CHANGES TO HILLS OF AQUIA SECTION 2A PLAT, AQUIA ELECTION DISTRICT

WHEREAS, a subdivision plat for Hills of Aquia Section 2A was approved and recorded on July 2, 2007; and

WHEREAS, a recorded subdivision plat for Hills of Aquia Section 2A, recorded Parcel 21Y-2A-F to be dedicated and maintained by the Homeowners Association; and

WHEREAS, Section 15.2-2272 of the Code of Virginia (1950), as amended, and Stafford County Code, Section 22-108, address the process for the vacation of a plat after the sale of a lot; and

WHEREAS, the Director of Planning and Zoning has determined that a complete submission for review be submitted and the applicant must comply with the requirements of Section 15.2-2272 of the Code of Virginia (1950), as amended, and Stafford County Code, Section 22-108; and

WHEREAS, the applicant has appealed the decision of the Director of Planning and Zoning pursuant to Stafford County Code, Section 22-251; and

WHEREAS, the Board has determined that the decision by the Director of Planning and Zoning is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that the decision of the Director of Planning and Zoning determining that a complete submission for review be submitted and the applicant must comply with the requirements of Section 15.2-2272 of the Code of Virginia (1950), as amended, and Stafford County Code, Section 22-108, which address the process for the vacation of a plat after the sale of a lot, be and it hereby is affirmed.

Recess. At 2:55 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 3:11 P.M., the Chairman called the meeting back to order.

Sheriff; Authorize a Lease for a Radio Communications Tower on Powell Lane and with

Tower Companies/Owners for Public Safety Radio Communications System. Sheriff Jett

gave a presentation and responded to Board members questions.

Ms. Carol Adams, Telecommunications Manager, commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R09-70.

The Voting Board tally was:

Yea: (7)

Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Resolution R09-70 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO ENTER INTO A LEASE AGREEMENT WITH MANAKIN TOWERS, LLC

AND/OR OWNER TO FACILITATE PUBLIC SAFETY RADIO

COMMUNICATIONS SYSTEM.

WHEREAS, Stafford County is in the implementation and construction phase of

its public safety radio communications system as authorized by Resolution R07-487 and

subsequent contract between Motorola and the County of Stafford dated December 6,

2007; and

WHEREAS, as part of this public safety radio communications system, the need

exists to co-locate its infrastructure on existing 'approved for construction' or existing

towers throughout the County; and

WHEREAS, Stafford County has negotiated a lease agreement with Manakin Towers, LLC to co-locate its public safety radio system infrastructure utilizing identified space on its tower and on the ground in and around the tower located at 122 Powell Lane;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that the Board be and it hereby does authorize the County Administrator to enter into a lease agreement with Manakin Towers, LLC to facilitate the public safety radio communications installation.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-95.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Resolution R09-95 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ENTER INTO A LEASE AGREEMENT WITH CENTENNIAL
BROADCASTING II, LLC AND/OR OWNER TO FACILITATE PUBLIC
SAFETY RADIO COMMUNICATIONS SYSTEM.

WHEREAS, Stafford County is in the implementation and construction phase of its public safety radio communications system as authorized by Resolution R07-487 and subsequent contract between Motorola and the County of Stafford dated December 6, 2007; and

WHEREAS, as part of this public safety radio communications system, the need exists to co-locate its infrastructure on existing 'approved for construction' or existing towers throughout the County; and

WHEREAS, the County has negotiated a lease agreement with Centennial Broadcasting II, LLC to co-locate its public safety radio system infrastructure utilizing identified space on its tower and on the ground in and around the tower located at 200 Rabbit Road;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that the Board be and it hereby does authorize the County Administrator to enter into a lease agreement with Centennial Broadcasting II, LLC and/or owner to facilitate the public safety radio communications installation.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-96.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Resolution R09-96 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ENTER INTO A LEASE AGREEMENT WITH THE FREE LANCE-STAR
PUBLISHING CO. OF FREDERICKSBURG AND/OR OWNER TO
FACILITATE PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM.

WHEREAS, Stafford County is in the implementation and construction phase of its public safety radio communications system as authorized by Resolution R07-487 and subsequent contract between Motorola and the County of Stafford dated December 6, 2007; and

WHEREAS, as part of this public safety radio communications system, the need

exists to co-locate its infrastructure on existing 'approved for construction' or existing

towers throughout the County; and

WHEREAS, Stafford County has negotiated a lease agreement with The Free

Lance-Star Publishing Co. of Fredericksburg to co-locate its public safety radio system

infrastructure utilizing identified space on its tower and on the ground in and around the

tower located at 122 Mountain Avenue;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 3rd day of March, 2009, that it be and hereby does authorize the

County Administrator to enter into a lease agreement with The Free Lance-Star

Publishing Co. of Fredericksburg to facilitate the public safety radio communications

installation.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R09-97.

The Voting Board tally was:

Yea:

(6) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (1) Sterling

Resolution R09-97 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO ENTER INTO A LEASE AGREEMENT WITH AMERICAN TOWER

ASSET SUB, II, LLC AND/OR OWNER TO FACILITATE PUBLIC

SAFETY RADIO COMMUNICATIONS SYSTEM

WHEREAS, Stafford County is in the implementation and construction phase of

its public safety radio communications system as authorized by Resolution R07-487 and

subsequent contract between Motorola and the County of Stafford dated December 6,

2007; and

WHEREAS, as part of this public safety radio communications system, the need

exists to co-locate its infrastructure on existing 'approved for construction' or existing

towers throughout Stafford County; and

WHEREAS, Stafford County has negotiated a lease agreement with American

Tower Asset Sub, II, LLC to co-locate its public safety radio system infrastructure

utilizing identified space on its tower and on the ground in and around the tower located

at 39 Shelton Shop Road;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 3rd day of March, 2009, that the Board be and it hereby does

authorize the County Administrator to enter into a lease agreement with American Tower

Asset Sub, II, LLC and/or owner to facilitate the public safety radio communications

installation.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R09-98.

The Voting Board tally was:

Yea:

(6) Brito, Crisp, Dudenhefer, Milde, Schwartz, Woodson

Nay: (1)

(1) Sterling

Resolution R09-98 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO ENTER INTO A LEASE AGREEMENT WITH AMERICAN TOWER

ASSET SUB, II, LLC AND/OR OWNER TO FACILITATE PUBLIC

SAFETY RADIO COMMUNICATIONS SYSTEM

WHEREAS, Stafford County is in the implementation and construction phase of

its public safety radio communications system as authorized by Resolution R07-487 and

subsequent contract between Motorola and the County of Stafford dated December 6,

2007; and

WHEREAS, as part of this public safety radio communications system, the need

exists to co-locate its infrastructure on existing 'approved for construction' or existing

towers throughout the County; and

WHEREAS, the County has negotiated a lease agreement with American Tower

Asset Sub, II, LLC to co-locate its public safety radio system infrastructure utilizing

identified space on its tower and on the ground in and around the tower located at 15

Chriswood Lane;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 3rd day of March, 2009, that the Board be and it hereby does

authorize the County Administrator to enter into a lease agreement with American Tower

Asset Sub, II, LLC and/or owner to facilitate the public safety radio communications

installation.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R09-99.

The Voting Board tally was:

Yea:

Crisp, Dudenhefer, Milde, Schwartz, Woodson, Brito (6)

Nay: (1) Sterling

Resolution R09-99 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ENTER INTO A LEASE AGREEMENT WITH SBA TOWERS, INC.
AND/OR OWNER TO FACILITATE PUBLIC SAFETY RADIO
COMMUNICATIONS SYSTEM

WHEREAS, Stafford County is in the implementation and construction phase of its public safety radio communications system as authorized by Resolution R07-487 and subsequent contract between Motorola and the County of Stafford dated December 6, 2007; and

WHEREAS, as part of this public safety radio communications system, the need exists to co-locate its infrastructure on existing 'approved for construction' or existing towers throughout the County; and

WHEREAS, Stafford County has negotiated a lease agreement with SBA Towers, Inc. to co-locate its public safety radio system infrastructure utilizing identified space on its tower and on the ground in and around the tower located at 3001 Jefferson Davis Highway;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that the Board be and it hereby does authorize the County Administrator to enter into a lease agreement with SBA Towers, Inc. to facilitate the public safety radio communications installation.

Transportation; Discuss Congestion Mitigation and Air Quality (CMAQ), Regional Surface Transportation Program (RSTP) and Federal Bonus Obligation Project Recommendations for FY2010. Ms. Sara Woolfenden, Senior Transportation Planner, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Crisp, to adopt proposed Resolution R09-125 with a change.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-125.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea: (4) Sterling, Woodson, Brito, Dudenhefer

Nay: (3) Milde, Schwartz, Crisp

Resolution R09-125 reads as follows:

A RESOLUTION TO APPROVE FISCAL YEAR 2010 CONGESTION
MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM PROJECTS

WHEREAS, it is the desire of the Board to take advantage of all available funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal Congestion Mitigation and Air Quality (CMAQ) Program funds; and

WHEREAS, the Fredericksburg Metropolitan Area Metropolitan Planning Organization (FAMPO) distributes these funds in the region;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that the Board be and it hereby does indicate its desire to allocate FY2010 CMAQ Program funds in the following manner: the construction of a second left-turn lane from westbound Garrisonville Road (SR-610) to

southbound Mine Road (SR-684), at an estimated cost of Eight Hundred Fifty Thousand Dollars (\$850,000); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the FAMPO Administrator.

Mr. Dudenhefer motioned, seconded by Mr. Crisp, to adopt proposed Resolution R09-126.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Resolution R09-126 reads as follows:

A RESOLUTION TO APPROVE FISCAL YEAR 2010 REGIONAL SURFACE TRANSPORTATION PROGRAM PROJECTS

WHEREAS, it is the desire of the Board to take advantage of all available funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive Regional Surface Transportation Funds (RSTP); and

WHEREAS, the Fredericksburg Metropolitan Area Metropolitan Planning Organization (FAMPO) distributes these funds in the region;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that the Board be and it hereby does indicate its desire to allocate FY2010 RSTP funds to the CSX Railroad Bridge

replacement project, at an estimated cost of Four Hundred Thousand Dollars (\$400,000); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the FAMPO Administrator.

Mr. Dudenhefer motioned, seconded by Mr. Brito, to adopt proposed Resolution R09-127.

The Voting Board tally was:

Yea: (6) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Abstain: (1) Sterling

Resolution R09-127 reads as follows:

A RESOLUTION TO APPROVE FEDERAL FISCAL YEAR 2009 FEDERAL BONUS OBLIGATION PROGRAM PROJECTS

WHEREAS, it is the desire of the Board to take advantage of all available funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal Bonus Obligation funds on a Federal Fiscal Year (FFY) basis;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009, that the Board be and it hereby does indicate its desire to allocate FFY2010 Federal Bonus Obligation Program funds in the following manner: Trails: Belmont-Ferry Farm Heritage Trail Project, Segments 3 & 5, Nine Hundred Thousand Dollars (\$900,000); Bridge: Jefferson Davis Highway (US-1) at Aquia Creek, One Hundred Thirty Thousand Dollars (\$130,000); Roads: Courthouse

Road and Jason Mooney Drive Design Phase, Nine Hundred Thousand Dollars (\$900,000) and Warrenton Road (US-17) Right-Of-Way Phase, Four Million Three Hundred Thousand Dollars (\$4,300,000); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Fredericksburg Area Metropolitan Planning Organization (FAMPO) Administrator.

<u>Legislative</u>; <u>Discuss Leeland Station VRE Walkway Paving</u>. Mr. Crisp commented regarding paving a 300' of walkway.

Mr. Crisp motioned, seconded by Mr. Brito, to request staff further research this issue and report back at the next Board meeting.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

<u>Legislative</u>; <u>Discuss Water Hookups Outside of Urban Services Area.</u> Mr. Woodson commented.

Mr. Jeffrey Harvey, Director of Planning and Zoning, and Mr. Dale Allen, Assistant Director of Utilities-Engineering, responded to Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to refer this item to the Utilities Commission and bring back a recommendation by the April 21, 2009 meeting.

Discussion ensued.

Mr. Woodson made a substitute motion, seconded by Mr. Brito, to refer this item to the Utilities Commission and bring back a recommendation by the March 17, 2009 meeting.

Discussion further ensued.

Mr. Sterling made a second substitute motion, seconded by Mr. Dudenhefer, to refer this item to the Utilities Commission and they respond with a timeframe for consideration.

The Voting Board tally on the second substitute motion was:

Yea: (5) Dudenhefer, Milde, Sterling, Brito, Crisp

Nay: (2) Schwartz, Woodson

<u>Legislative</u>; <u>Discuss School Board Requests.</u> Mr. Sterling commented.

The County Administrator commented further.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-142.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Resolution R09-142 reads as follows:

A RESOLUTION TO EXPRESS INTENT REGARDING SCHOOL FINANCES

WHEREAS, the School Board has indicated their intent to return to the County \$2,000,000 in FY09; and

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WHEREAS, the School Board has requested that the Board adopt a resolution re-

appropriating unspent funds above the \$2,000,000 from FY09; and

WHEREAS, the School Board has also requested that the Board appropriate in

FY10 an amount no less than FY09; and

WHEREAS, the Board wishes to express its strong support for education; and

WHEREAS the Board acknowledges the current economic situation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 3rd day of March, 2009, that the Board be and it hereby does

express its sincere gratitude to the School Board for their willingness to save money in

these difficult financial times, and that it hereby adopts a goal to re-appropriate available

Fiscal Year 2009 funds returned by the School Board above \$2,000,000 and that it

expresses its ambition to fund the FY2010 school budget no less that the FY2009 revised

budget level.

Legislative; Closed Meeting. At 4:24P. M. Mr. Milde motioned, seconded by Mr.

Woodson, to adopt proposed Resolution CM09-05.

The Voting Board tally was:

Yea:

Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde (7)

Nay: (0)

Resolution CM09-05 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and

discuss in Closed Meeting regarding Property Acquisition, Purchase of Crow's Nest,

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Phase II, contract renegotiation; Legal Advice regarding pending litigation, *Sherwood Farm Residential*, et al. v. Board of Supervisors, et al. CL08-1538; and Aquia Overlook LLC, et al. v. Board of Supervisors CL08-1345, Aquia Overlook LLC, et al. v. Board of Supervisors CL08-1547, Aquia Overlook LLC, et al. v. Board of Supervisors CL08-467,

and Aquia Overlook LLC, et al. v. Virginia DEQ and Board of Supervisors CL08-1533;

and a Personnel Matter regarding County Administration; and

WHEREAS, pursuant to Section 2.2-3711 A.1, A.3 and A.7, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 3rd day of March, 2009, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 5:55 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Brito motioned, seconded by r. Crisp, to adopt proposed Resolution CM09-05a.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Resolution CM09-05a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MARCH 3, 2009

WHEREAS, the Board has, on this the 3rd day of March, 2009, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 3rd day of March, 2009, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

<u>Legal</u>; <u>Authorize Legal Counsel.</u> Mr. Crisp motioned, seconded by Mr. Woodson, that the Board authorize legal counsel, in accordance with the terms and conditions discussed in Closed Session, to endorse an order that resolves the case of <u>Sherwood Farm</u>

<u>Residential, LLC, et al. v. Board of Supervisors of Stafford County, et al., Case No.</u>

CL08-1538, and any other suit in which substantially the same issue is raised regarding the public notice for the Board's action on December 2, 2008, relating to the amendment of the Urban Service Area.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Mr. Milde motioned, seconded by Mr. Sterling, to authorize the County Administrator to execute a Purchase Agreement dated February 27, 2009 regarding Crow's Nest.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Recess. At 5:56 P. M., the Chairman declared a recess until 7:00 P.M.

<u>Call to Order.</u> At 7:04 P. M. the Chairman called the meeting back to order.

Invocation. Mr. Crisp gave the Invocation.

<u>Pledge of Allegiance.</u> Mr. Crisp led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Otha Combest - Place property near Stafford Hospital Center in Comprehensive Plan.

<u>Planning and Zoning</u>; Amend Section 28-35, Table 3.1, District Uses and Standards, of the Zoning Ordinance Regarding Clubs, Lodges and Fraternal Organizations in B-1, Convenience Commercial Zoning Districts. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

No one desired to speak.

Discussion ensued.

Hearing no objections from the Board, this item was tabled until later in the meeting.

Planning and Zoning; Amend Various Sections of the Zoning Ordinance Pertaining to the

Major and Minor Developments and Security Requirements. Mr. Jeff Harvey, Director
of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O09-12.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Ordinance O09-12 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 28-245, WHEN REQURIED; SECTION 28-252, APPROVAL OR DISAPPROVAL GENERALLY; SECTION 28-256; REQUIRED STANDARDS AND IMPROVEMENTS GENERALLY, OF THE ZONING ORDINANCE REGARDING SITE PLANS AND POSTING OF SECURITIES

WHEREAS, the Zoning Ordinance contains definitions for major and minor developments; and

WHEREAS, the Zoning Ordinance provides regulations governing when major and minor development plans are required; and

WHEREAS, the Zoning Ordinance contains regulations for providing securities prior to site plan approval; and

WHEREAS, the Zoning Ordinance does not provide provisions requiring a time limit on county approved cost estimates for securities; and

WHEREAS, staff has identified problems with the requirements for site plan submission and posting securities prior to plan approval; and

WHEREAS, the Board believes the Zoning Ordinance should be consistent with the County adopted securities policies; and

WHEREAS, the Board believes the Zoning Ordinance should have clarity and consistency within the regulations pertinent to site plan approval and posting of securities; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009 that Section 28-25, Definitions of Specific Terms; Section 28-245, When Required; Section 28-252, Approval or Disapproval Generally; Section 28-256; Required Standards and Improvements Generally, of the Zoning Ordinance is hereby ordained as follows, with all other portions remaining the same:

Sec. 28-25. Definitions of specific terms.

Development, major. Any nonresidential development not constituting minor development involving construction and/or land disturbance greater than or equal to two

thousand five hundred (2,500) square feet, or any residential development not subject to Chapter 22 of the Subdivision Ordinance.

Development, minor. Any nonresidential development involving construction or land disturbance totaling of less than a minimum of one thousand (1,000) square feet and less than two thousand five hundred (2,500) square feet of gross floor area, any change of use where additional parking is required, or any enlargement to an existing building or structure where there is no change in the construction footprint, or any residential development involving three (3) or fewer units and a land area of less than five (5) acres, and not requiring the construction or extension of any new streets, or public facilities or utilities.

Sec. 28-245. When required.

- (a) A minor site development plan is required and shall be submitted for all minor developments as defined in Article II Section 28-25 of this chapter, unless waived under the provisions of subsection (c) herein.
- (b) A major site development plan is required and shall be submitted for all major developments as defined in Article II Section 28-25 of this chapter, unless waived under the provisions of subsection (c) herein.
- (c) The submission of a major minor site development plan may be waived by the agent for commercial and industrial structures developments in which are land disturbance is less than one thousand (1,000) square feet, of floor area, or additions of less than two thousand five hundred (2,500) square feet, to structures containing solely nonprofit organizations. When a waiver is granted, the agent shall require that a minor site development plan be submitted. The request shall be in writing to the agent describing the justification for the waiver.

- (d) A preliminary site plan shall be required for all major developments when proposing two (2) or more detached buildings within the same contiguous development plan. The purpose of a preliminary site plan is to provide a concept of the proposed use of the subject property. Upon written request, the requirement for the submittal of the preliminary site plan may be waived by the agent provided the site has an approved General Development Plan (GDP) and the proposed development is in general compliance with the GDP.
- (e) A minor grading plan may be required for the purpose of;
 - 1. Clearing more than 2,500 square feet but less than 21,780 square feet (1/2 acre) that does not involve any structures or buildings;
 - 2. Adding fill with no structures or buildings;
 - 3. Stockpiling;
 - 4. Drainage project; or
 - 5. Other projects approved by the Erosion and Sediment/Stormwater

 Management Administrator.
- (f) A major grading plan may be required for the purpose of clearing, grading or stockpiling an area 21,780 square feet (1/2 acre) or more that does not involve any structures, buildings or public facilities.
- (g) An infrastructure plan may be required for the approval of pump stations and linear projects such as, but not limited to roads, sidewalks, trails and stormwater management facilities.

Sec. 28-252. Approval or disapproval generally.

(a) Approval or disapproval of a final site <u>development</u> plan by the agent shall occur within sixty (60) days of receipt of the final documents in the <u>office department</u> of planning <u>and zoning</u>, unless abnormal or unusual circumstances exist, in which case the approval time may be extended.

- (b) Approval of the site development plan and bond and issuance of a land disturbing (grading) permit by the agent constitutes authorization to proceed with construction of improvements within the area proposed under the site development plan.
- (c) Approval by the agent of the final site development plan submitted under the provisions of this article shall expire five (5) years from the date of such approval by the agent. Provisions will also be established to extend the duration of the performance security with security agreements. Provisions will also be established to extend the duration of the performance security with surety agreements.

Sec. 28-256. Required standards and improvements generally.

- (a) All improvements required to be installed by this article shall be installed at the cost of the developer in accordance with design and construction standards of the county. In cases where specifications have been established either by the board of supervisors or by the Virginia Department of Transportation (VDOT) for construction of streets, etc., or by this article for related facilities and utilities, such specifications shall be followed. The most restrictive specifications will shall prevail. The developer's performance bond as discussed below shall not be released until construction has been inspected and accepted by an appropriate engineer or agent for the county and by VDOT, where appropriate.
- (b) Prior to the approval and issuance of any land disturbing (grading) permit, of any site plan there shall be executed by the owner or developer and submitted with the grading permit application site plan an performance agreement to construct, as required, physical improvements as that are located within public rights-of-way or easements or as are connected to any public facility in form and substance as approved by the county, together with a bond with surety, cashiers check or escrow account security in the amount of the county approved estimated cost, dated within twelve (12) months of posting the security, of the required improvements, as determined by the agent for the county. The aforesaid agreement and bond or condition shall be provided for completion of all work

covered thereby within the time to be determined by the agent, which time may be extended by the board of supervisors upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions and acceptability of any bond hereunder shall be determined by the board or its agent. In any case, where the agent has rejected any such agreement or bond, the owner or developer shall have the right to have such determination made by the board provided that the owner or developer has paid to the county a fee for the approval of the examination and approval of site plans. The performance agreement shall be in accordance with the Stafford County security policy adopted by the Board of Supervisors, 1984, and as amended.

BE IT FURTHER ORDAINED that this ordinance shall become effective on March 3, 2009.

Planning and Zoning; Amend Section 28-35, Table 3.1, District Uses and Standards, of the Zoning Ordinance Regarding Clubs, Lodges and Fraternal Organizations in B-1, Convenience Commercial Zoning Districts. Mr. Jeff Harvey commented.

Mr. Mile motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O09-04.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Ordinance O09-04 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-35, TABLE OF USES AND STANDARDS, TABLE 3.1, DISTRICT USES AND STANDARDS, OF THE ZONING ORDINANCE

WHEREAS, clubs, lodges, and fraternal organizations are presently not permitted in the B-1, Convenience Commercial zoning district; and

WHEREAS, the Board desires to allow clubs, lodges, and fraternal organizations in locations that are convenient and serve nearby communities; and

WHEREAS, the B-1, Convenience Commercial Zoning Districts are intended to provide goods and services that are convenient to and serve nearby communities; and

WHEREAS, the Board desires to allow clubs, lodges, and fraternal organizations in the B-1, Convenience Commercial zoning district; and

WHEREAS, the Board has considered the recommendations of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 3rd day of March, 2009 that Section 28-35, Table of Uses and Standards, Table 3.1, District Uses and Standards of the Zoning Ordinance is hereby amended and re-ordained as follows, with all other portions remaining the same:

Sec. 28-35. Table of uses and standards.

Table 3.1. District Uses and Standards

B-1 Convenience Commercial.

(a) Uses permitted by right:

Club/lodge/fraternal organization.

<u>Legislative</u>; <u>Discuss Comprehensive Plan.</u> Mr. Mike Zuraf, Principal Planner, gave a presentation and responded to Board members questions.

Discussion ensued.

<u>Legislative</u>; <u>Discuss Letter dated 02/25/09 from the Chairman of the Planning</u> Commission regarding Rappahannock River Overlay District. Mr. Brito commented.

Discussion ensued.

Hearing no objections from the Board, it was a consensus to leave this item alone.

Legislative; Discuss Granting Use of an Unimproved Public Right-of-Way Known as
Grapevine Lane to Construct a Driveway to an Abutting Recorded Easement. Mr.
Michael Neuhard, Deputy County Administrator, commented.

Mr. Brito motioned, seconded by Mr. Crisp, to deny proposed Resolution R08-477.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

<u>Legislative</u>; Pay for Performance. Mr. Sterling commented.

Discussion ensued.	
Hearing no objections from the Board, this item is to be placed on the March 17, 2009 agenda. Adjournment. At 9:40 P. M., the Chairman declared the meeting adjourned.	
County Administrator	Chairman